(2)

Supreme Court, U.S.
FILED
MAR 14 2005
OFFICE OF THE CLERK

NO. 04 – 1023

IN the SUPREME COURT of the UNITED STATES

March Term, 2005

RICHARD ADAM, PETITIONER

v.

STATE of HAWAII "et al",
RESPONDENTS

On petition for an Extraordinary Writ of Habeas Corpus to the United States Supreme Court.

PETITION FOR REHEARING

RICHARD ADAM, pro se
141 Lancaster Road, lot 30
Gorham, New Hampshire 03581
Tel. 1 (603) 723 - 1019

TABLE OF CONTENTS

Page

PETITION FOR REHEARING.....1

CONCLUSION.....4

CERTIFICATE OF COUNSEL..... 5

TABLE OF AUTHORITIES

CASES

Adam v. State of Hawaii, et. al., 235 F. 3d 1160 (9th Cir. 2001)

King v. Goldsmith, C.A.7 (Ind.) 1990, 897 F. 2d 885
Saint, Atty. Gen., v. Meraux, (1926) 163 La. 242, 111 So 691.

State ex rel. Atty Gen. v. Lazarus (1887) 39 La Ann 142, 1 So 361.

Kane v. Rudich (1939) 256 App. Div. 586, 10 NY S 2d 929.

Fletcher v. Commission on Judicial Performance, 968 P. 2d 958,

Ford-Kraus, 730 So. 2d. 269

Flournoy, 990 P 2d. 642, 195 Ariz. 441

Johnson, Inquiry Concerning a Judge In re, 692 So. 2d. 168.

Matter of Cox, 680 N.E. 2d 528

In re Jefferson, 753 So. 2d. 181.

In re Ferara, 582 N.W. 2d. 817, 458

Mississippi Com'n on Judicial Conduct Performance v. Bishop, 761 So. 2d. 195.

In re Lemoine, 692 So, 2d 358.

Matter of Fournier, 480 S.E. 2d. 738, 325 S.C. 194.

In Cannon v. Commission on Judicial Qualifications (1975) 14 Cal. 3d. 678, 122 Cal Rptr 778, 537 P 2d. 898.

In Wenger v. Commission on Judicial Performance (1981) 29 Cal 3d 615, 175 Cal Rptr 420, 630 P 2d. 954.

Cannon v. Commission on Judicial Qualifications (1975) 14 Cal. 3d. 678, 122 Cal Rptr. 778, 537 P 2d. 898.

Spruance v. Commission on Judicial Qualifications (1975) 13 Cal. 3d. 778, 119 Cal. Rptr. 841, 532 P 2d. 1209.

In RE Crowell (1979, Fla.) 379 So 2d 107.

In Re Turner (1982, Fla.) 421 So 2d. 1077.

In Re Terry (1975) 262 Ind. 667, 323 NE 2d. 192.

In Re Hague (1982) 412 Mich. 532, 315 NW 2d. 524.

In Re McDonough (1980, Minn.) 296 NW 2d. 648.

In Re Yengo (1977) 72 NJ 425, 371 A 2d 41.

In Judicial Inquiry & Review Bd. Of Supreme Court v. Fink (1987) 516 Pa. 208, 532 A 2d. 358.

In Wenger v. Commission on Judicial Performance (1981) 29 Cal. 3d. 615, 175 Cal. Rptr. 420, 630 P. 2d. 954.

In Re Ross (1981, Me.) 428 A 2d. 858.

In County v. Attorney of Maricopa County v. Superior Court of Maricopa County (1970) 11 Ariz. App. 346, 464 P 2d. 666.

In State ex rel. Micle v. Rowe (1930) 100 Fla. 1382, 131 So. 331.

Peters v. Jamieson (1964) 48 Hawaii 247, 397 P 2d. 575.

Allen v. Bach (1930) 233 Ky. 501, 26 Sw 2d. 43.
In State v. McNary v. Jones (1971, Mo App.) 472 SW 2d. 637.

State v. Brown (1912) 8 Okla. Crim. 40, 126 P 2d. 45.

In State ex rel. Brown v. Dewell (1938) 131 Fla. 566, 179 So. 695, 115 ALR 857.

State v. Ryan, 59 Haw. 425, 583 P 2d. 329 (1978).
Gabriel v. Gabriel, 7 Haw. App. 95. 746 P 2d. 574 (1987).

State v. Brown 70 Haw. 459, 776 P. 2d. 1182 (1989) 76 A.L.R. 4th 982.

Petitioner respectfully petition for rehearing following this Court's denial of Extraordinary Writ for Habeas Corpus relief to review the Judgment of the Hawaii Supreme Court in State of Hawaii vs. Richard Adam, Docket No. 26259 & 23451.

STATEMENT OF INTERVENING EVENTS

On February 1, 2005 I had Mojo Music Studio inspect a CD of a transcript of case No. CV 04 – 00315 SOM KSC from Federal District Court for the District of Hawaii which is directly related to this case. I had filed a removal petition to remove this case to Federal District Court. The State filed a remand motion and I was denied a fair opportunity to make my opposition. The Hawaiian Magistrate "Kevin Chang" during State's motion for remand walked out on me, thus denying me my chance to state my position and objection, on August 30, 2004. I appealed "docket No. 04 – 17096 now pending". And when I received the remand transcript it had been tampered with. So I ordered the CD and when I listened to it I could hear where it had been cut. I took the CD to Mojo Music Studio for inspection. Mojo Music Studio discovered that the CD had been cut and edited. Appendix A. On February 1, 2005 I also had Mojo Music Studio inspect a copy of a court reporter tape from Hawaii Circuit Court and Mojo found where Court reporter Susan Nakamoto had edited the name Wentworth. Also part of Appendix A. Shortly after this I received another Court reporter tape of another tampered transcript from a different case that is also directly related to this case. Where I had brought a

Federal lawsuit against police responsible for all these racially fabricated charges. Perjury had been committed by Police officers involved during trial in Federal District Court for the District of Hawaii. So I filed a motion to show cause for committing perjury in a federal court. I received the transcripts and noticed some tampering and editing that was done in order to cover up the perjury. Then I ordered the cassette tape from Federal District Court for the District of Hawaii, Case No. CV 98 – 00528 HG. When I listened to this cassette tape I noticed a different sound in the voice on the lines that had been edited. On February 22, 2005 I called this Court and talked with Heather Trant to inquire on how to supplement my Extraordinary writ with this new evidence. When I talked to Heather Trant she informed me that this Court had dismissed my petition. On February 28, 2005 I went back to Mojo Music Studio with the Court reporter tape from CV 98 – 00528 HG and they made an astounding discovery that a second video tele conference was held unofficially in order to make a false record in order to escape perjury in a Federal Court. In other words after I filed my motion to show cause for perjury, Defendants tried to duplicate the initial Video tele – conference and make corrections on court audio tape and transcript months after the trial. Appendix B. This case also is under appeal Docket No. 04 – 16646. At this time defendants refuse to disclose where the initial video tele – conference took place. (1) The initial video tele – conference there was 22 people in the court room. (2) When defendants did the illegal video tele – conference to cover up the perjury there was one or two people in the Court room. (3) See appendix B

Mojo Music Studio have made the proper analysis. (4) Mojo Music Studio and myself have notice the difference in echo between the initial or official video tele – conference and the illegal "the second". (5) The official video tele conference has less echo because there was more people in the room. (6) The illegal video tele – conference has more echo that is blatantly obvious. The foregoing is being done by the ultimate power of the dominating Hawaiian race in Hawaii. The Hawaiian race have ultimately undermined the integrity of a Federal District court in order to cover up this matter at hand. On February 11, 2005 I had New Hampshire Court reporter "Janet Carpenter" transcribe a video conference of January 28, 2005 between Hawaii attorney Shawn Luiz and myself. Attorney Luiz is a witness to the foregoing fraud that has taken place in Federal District Court for the District of Hawaii. See supplemental appendix that I submitted according to Kathy Tycz; which is this video conference's transcript.

ARGUMENT

This Court dismissed my extraordinary writ on February 22, 2005 with no reason given. Ongoing series of intervening events set forth in appendix A and B and supplemental Appendix were occurring and I was not able to make this court aware of them soon enough. And the foregoing combined with my Extraordinary Writ can only lead this Court to the inescapable conclusion to be drawn that I am being denied and cannot enforce in any Hawaii state or Federal court a right under any law providing for the equal civil rights of citizens of the United States, due to my race. Also as part of our constitution,

absolute innocence is suppose to win out. The Hawaiian race is using dishonest means to prevent my innocence from winning out. Whenever there is testimony or evidence in my favor, it is removed from the transcripts and in some instances fabricated text is added in the transcripts. Also the inescapable conclusion to be drawn in this case is the fact that I cannot exhaust my state remedy and or State remedy is futile.

Therefore the inescapable conclusion to be drawn is the fact that the only way I am going to get any Justice in this matter is for this court to accept and review my petition for an Extraordinary Writ of-Habeas Corpus.

CONCLUSION

For the reasons and evidence set forth above, and that contained in my Extraordinary Writ for Habeas Corpus relief, this Court should grant a rehearing and vacate it's order denying my Extraordinary Writ of Habeas Corpus. (1) Grant the petition and review the judgment below and vacate the sentence and or acquit me of all racially motivated fraudulent charges.

Respectfully submitted.

Richard Adam

RICHARD ADAM
141 Lancaster Road, Lot 30
Gorham, New Hampshire 03581
Tel. 1 (603) 723 – 1019

MARCH 14, 2005

CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of substantial or controlling effect or to no other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Dated: Gorham, New Hampshire March 14, 2005

Richard Adam

RICHARD ADAM

WWW. Mojomusicstudio. Com

po box 536 Franconia NH 03580

February 1, 2005

The following is our evaluation of the sound recordings brought to us by Richard Adam. These conclusions are the opinions of Mojo Music Studio.

Mojo Music Studio has been in business for 10 years; we run a full recording studio and produce a syndicated weekly radio show that requires extensive voice editing. We have the latest computer editing software. Due to the ever changing computer technology and editing capabilities, it makes it easy for someone to alter and tamper with any CD or tape. Certainly any qualified tech can alter a recording and make it impossible for anyone to detect.

We have found 3 areas in question on the CD. The obvious sound cut was on Page 4 line 1, of TR of Aug. 30, 2004 @ 9:31 am of case 04 – 00315 som/ksc.

The next area was Page 7 line 15, there appears to another word beginning to be said that begins with a "s" and then cut off to word that begins with "a".

Also on page 7 lines 2 –3 it appears to be missing text and added text.

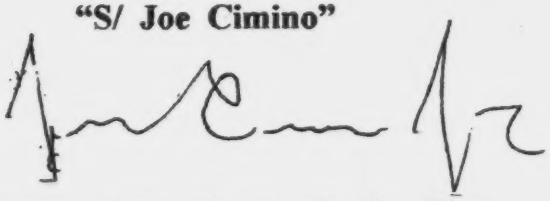
The fourth area in question was on cassette tape of TR Feb. 24th 2000 AM. In case # CR95 –204k between line 14 and 24 page 9, were the name Wentworth appear that an edit covers up the name and makes it inaudible. With the technology at the studio we were able to uncover it.

For further inspection as to what edit was done, we would need the original to compare the two...

Respectfully

"S/ Joe Cimino"

Mojo Music Studio



Worldwide. Independent. Music. Radio. First.

APPENDIX A

WWW. Mojomusicstudio. Com

po box 536 Franconia NH 03580

February 28, 2005

The following is a review of Transcript and Cassette tape of case number CV 98 – 00528HG. Of June 3rd, 2004 PM, regarding Arthur Poorman Testimony.

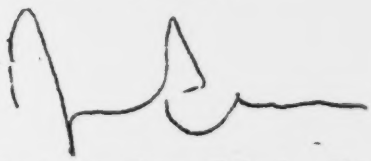
On page 170, line 25 onto page 171 line 1, the lines in question were loaded into the computer for further analysis. The sound of the foregoing appeared to have different tonal qualities. This could possibly be due to a different amount of people in the room at the time of the recording. The amount of people in a room will greatly affect the sound of the room, the more people in the room, the less echo the room will have, and the less people in a room, the more the room will echo. All the lines regarding the Poorman testimony reveals a echo with lots of people in the room at the time of the recording. Page 170, line 25 onto page 171 line 1, the voice appears of have more echo, possibly due to less people in the room.

The second noticible difference in sound is the speed and phrasing of the words on page 170 line 25 onto page 171 line 1, compared to the rest of the testimony of Arthur Poorman.

The third noticeable difference in sound is the phrasing and speed of Arthur Poorman, on line 25 of page 170. The way the "s" of Burns or Grimes extends over the "a" on "at", does not seem natural or match the rest of his speech and testimony. This appears that an edit took place at this point. It also appears that an edit done between lines 24 and 25 on page 170, and on lines 2 and 3 of page 171; In other words, line 25 on page 170 onto 171, lines 1 and 2 was edited into the tape at a different date.

Respectfully,

"S/ Joe Cimino"



Joe Cimino
Mojo Music Studio

Worldwide. Independent. Music. Radio. First